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EXAMINER
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SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
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2425

NOTIFICATION DATE	DELIVERY MODE
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10/03/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,338	DANKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JEAN D. SAINT CYR	2425	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-4, 6-26 and 28-30 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-4, 6-26 and 28-30 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6-12, 25-26, 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Those claims disclose a tangible processor-readable medium containing computer storage and communication media and that communication media can be a carrier wave as disclosed in paragraph 108 of the specification.

### **Response to Arguments**

Applicant's arguments with respect to claims 1-4, 6-26, 28-30 have been fully considered, but they are not persuasive. Applicant argues that the cited references did not disclose when a number of presses of the scroll forward key advances a presentation of the schedule of multimedia programming in the grid pattern of the EPG UI less than a predefined amount of time into the future, the EPG UI presents the schedule of multimedia programming in the grid pattern that is associated with a scrolled forward time without identifying a triggering user interaction associated with the number of presses of the scroll forward key. Also, applicant argues that the EPG navigation of Alexander is not associated with channels.

However, Alexander et al disclose a system that allows users to use the arrows on the remote control to scroll the program guide vertically and horizontally according to the selection of the users and the users can scroll to the end of the guide by pressing the arrows repeatedly and the program is moved to right or to the left by 30 mn for one press of an arrow. Users are capable of accessing time in the future by pressing the right arrow on the remote control.

And Alexander show in fig.1 and fig.2 that the navigation bar is associated with channels in order to allow users to do search easily

Also, Applicant argues that the cited references did not disclose presenting a quick EPG-navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming.

However, Darbee et al disclose a system allowing users to use specific key on the remote control to get access to quick EPG navigation and disclose if an EZ Browse function is enabled, trigger the program guide to display channel information upon each key stroke,0224; 0220;0241.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander(6177931) et al in view of Darbee et al, US No.20020184626 .

Re claim 1, Alexander et al disclose a tangible processor-readable medium having processor-executable instructions that, when executed by a processor, performs operations comprising: presenting an electronic program guide (EPG) user interface illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel(see fig.1; a grid guide 22 where every program is associated with channel and time);

monitoring user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI, such that(EPG also records information surrounding the viewer's interaction, col.28, lines 60-61; see fig.3; the viewer can view program listings scheduled at future times by

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pressing keys 32 or 34 to move horizontally about the Grid, col.4, lines 54-56):

when a number of presses of the scroll forward key advances a presentation of the schedule of multimedia programming in the ,grid pattern of the EPG UI less than a predefined amount of time into the future, the EPG UI presents the schedule of multimedia programming in the ,grid pattern that is associated with a scrolled forward time without identifying a triggering user interaction associated with the number of presses of the scroll forward key((the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day, col.10, lines 36-42; the system allows users to scroll the program information horizontally and vertically));

responding to a user's selection of one or more of the options of the quick EPG-navigation UI(selecting a theme brings up a screen listing, by time, channel, and title, of the programs that are consistent with the selected theme on a second-level theme screen, col.34, lines 46-49).

But did not explicitly disclose when the number of presses of the scroll forward key advances the presentation of the schedule of multimedia programming in the ,grid pattern of the EPG UI the predefined amount of time into the future, the operations include identifying a triggering user interaction; in response to identifying one or more

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triggering user interactions, presenting a quick EPG-navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the quick EPG-navigation UI having one or more user- selectable options therein.

However, Darbee et al disclose when the number of presses of the scroll forward key advances the presentation of the schedule of multimedia programming in the ,grid pattern of the EPG UI the predefined amount of time into the future, the operations include identifying a triggering user interaction; in response to identifying one or more triggering user interactions, presenting a quick EPG-navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the quick EPG-navigation UI having one or more user- selectable options therein(If the user holds the up or down key down consecutively for 5 channels, the guide preferably will start to page,0215; the display moves laterally to the right for later times,0073; see fig.7; shows three displays obtained upon scrolling of the visual display in successive half-hour increments for one channel, 0033;0128; 0133-0134; 0137; if an EZ Browse function is enabled, trigger the program guide to display channel information upon each key stroke,0224; 0220;0241).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Darbee into the invention of Alexander for the purpose of displaying a quick EPG navigation in response to the user interactions with the remote control.

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Re claim 2, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining which user-selectable options to include based upon context of user interactions with the EPG UI before the triggering user interaction (the EPG typically returns to the mode in which the viewer was operating immediately before selecting the option that triggered the display of the video clip, col.20, lines 10-12).

Re claim 3, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining positioning of the quick EPG-navigation UI within the EPG UI based upon context of user interactions with the EPG UI before the triggering user interaction (the viewer can jump to the channel slot for a particular channel by entering the digits of the channel identification number on the key pad of the viewer's remote control device. The EPG interprets the number and calculates the proper position for the EPG cursor. The EPG then displays the cursor at the appropriate channel slot on-screen, col.16, lines 29-35).

Re claim 4, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining positioning of the quick EPG-navigation UI within the grid pattern of the schedule of multimedia programming based upon context of user interactions with the EPG UI before the triggering user interaction (The EPG then displays the cursor at the appropriate channel slot on-screen, col.16, lines 34-35).



Re claim 6, Alexander et al disclose wherein the triggering user interactions also include are selected from a group consisting of: a performance of a designated selection action(the EPG typically returns to the mode in which the viewer was operating immediately before selecting the option that triggered the display of the video clip,col.20, lines 10-12) .

Re claim 7, Alexander et al disclose wherein the user- selectable options include an option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view ;an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters the-to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

Re claim 8, Alexander et al disclose after the presenting of the quick EPG-navigation UI, the quick EPG-navigation UI comprises one or more display areas, wherein contents of such display areas are selected from a group consisting of: one or more options to search future programming based upon one or more characteristics of that

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programming; one or more options to look ahead into the schedule of multimedia programming of the EPG UI; one or more options to view one or more live television multimedia programs; one or more options to view one or more on-demand multimedia programs; one or more options to view one or more pay-per-view multimedia programs; one or more options to view one or more locally stored multimedia programs; one or more options to view one or more multimedia commercial messages; one or more options to filter or otherwise adjust the parameters to determine which programs are listed by time within the grid (see fig. 1; a grid guide 22; offer search capabilities to the viewer to locate information of interest, col. 18, lines 52-53).

Re claim 9, Alexander et al disclose wherein the responding to the user's selection comprises presenting new content of which is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future ; a live television multimedia program; an on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program; a multimedia commercial message (viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col. 10, lines 32-35).

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Re claim 10, Alexander et al disclose further comprising receiving a scroll forward input after the presenting of the EPG-navigation UI and, in response, presenting the EPG without the EPG-navigation UI(scrolling up and down, col.10, lines 37-42).

Re claim 11, Alexander et al disclose wherein the quick EPG-navigation UI is presented so that it is inlaid between time blocks of the schedule of multimedia programming in the grid pattern and so that it is shown as being associated with a channel(see fig.7 and fig.1, a quick navigation table; a navigation bar 20, a grid guide, col.3, line 13-14; col.3, lines 34-36).

Re claim 12, Alexander et al disclose a multimedia presentation system comprising: a multimedia presentation device, and a tangible medium as recited in claim 1 (a television receiver, a VCR, or a cable box, col.3, line 25; see rejection on claim 1).

As claim 13, the claimed “the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel; receiving a user interaction with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI...” is composed as the same structural elements as previously discussed with respect to the rejection of claim 1.

Re claim 14, Alexander et al disclose further comprising a means for presenting the

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EPG UI (see fig.1).

Re claim 15, Alexander et al disclose wherein the triggering user interactions also include a press of a scroll backward key indicating a desire to browse backwards in time performance of a designated selection action (scrolling up and down, col.10, lines 37-42).

Re claim 16, Alexander et al disclose wherein the user- selectable options include are selected from a group consisting of: an option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

As claim 17, the claimed “ receiving one or more user interactions with an electronic program guide user interface illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a

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time and a channel; monitoring user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI..." is composed as the same structural element as previously discussed with respect to claim 1.

Re claim 18, Alexander et al disclose wherein the triggering user interactions also include a press of a scroll backward key indicating a desire to browse backwards in time performance of a designated selection action (scrolling up and down, col.10, lines 37-42).

Re claim 19, is met as previously discussed with respect to claim 7.

Re claim 20, is met as previously discussed with respect to claim 10.

Re claim 21, Alexander et al disclose a multimedia presentation system comprising: a presentation unit configured to present an electronic program guide (EPG) user interface (UI) illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel (see fig.1; a grid guide 22 where every program is associated with channel and time); and

an input unit configured to monitor and receive user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future

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scheduled programming in the EPG UI(see fig.2, remote control; EPG also records information surrounding the viewer's interaction, col.28, lines 60-61; see fig.3; the viewer can view program listings scheduled at future times by pressing keys 32 or 34 to move horizontally about the Grid, col.4, lines 54-56) ;

wherein the triggering user interactions include a number of presses of the scroll forward key which advances a presentation of a schedule of programming in the grid of the EPG UI a predefined amount of time into the future; and present new content in response to one or more a user interactions received by the input unit, wherein such interactions are indicative of a user selection of one or more of the options of the inlaid quick EPG-navigation UI(the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day, col.10, lines 36-42; selecting a theme brings up a screen listing, by time, channel, and title, of the programs that are consistent with the selected theme on a second-level theme screen, col.34, lines 46-49).

But did not explicitly disclose wherein the presentation unit is further configured to: present, simultaneously with the schedule of multimedia programming, an inlaid quick EPG-navigation UI in response to one or more triggering user interactions received by the input unit, the inlaid quick EPG-navigation UI being inlaid within the grid pattern of

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the schedule of multimedia programming and having two display areas each including user-selectable options therein, the two display areas including a first display area having user-selectable options for finding shows by name or keyword and a second area having user-selectable options for finding shows by time, -the two display areas being separate and distinct and the user-selectable options of the two display areas being different from one another, wherein the inlaid quick EPG-navigation UI is presented so that the inlaid quick EPG-navigation UI is logically inlaid between time blocks of the schedule of multimedia programming in the grid pattern, the grid pattern being truncated with respect to the time dimension to accommodate the quick EPG-navigation UI.

However, Darbee et al disclose wherein the presentation unit is further configured to: present, simultaneously with the schedule of multimedia programming, an inlaid quick EPG-navigation UI in response to one or more triggering user interactions received by the input unit, the inlaid quick EPG-navigation UI being inlaid within the grid pattern of the schedule of multimedia programming and having two display areas each including user-selectable options therein, the two display areas including a first display area having user-selectable options for finding shows by name or keyword and a second area having user-selectable options for finding shows by time, -the two display areas being separate and distinct and the user-selectable options of the two display areas being different from one another, wherein the inlaid quick EPG-navigation UI is presented so that the inlaid quick EPG-navigation UI is logically inlaid between time

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blocks of the schedule of multimedia programming in the grid pattern, the grid pattern being truncated with respect to the time dimension to accommodate the quick EPG-navigation UI (see fig.7 where two EPGs are simultaneously displayed in response to user input; shows three displays obtained upon scrolling of the visual display in successive half-hour increments for one channel.0033;0133; 0134; 0137; As is the case with the Quick View format, movement within the program guide may proceed in any of the up, down, left, or right,0229; Guide menu preferably provides the user with guide options and features,0223).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Darbee into the invention of Alexander for the purpose of displaying a quick EPG and other EPG simultaneously to the user in response to the user interactions with the remote control.

Re claim 22, Alexander et al disclose wherein the new content is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future ; a live television multimedia program; a on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program and a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which



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displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 23, Alexander et al disclose wherein the triggering user interactions also include a press of a scroll backward key indicating a desire to browse backwards in time performance of a designated selection action (scrolling up and down, col.10, lines 37-42).

Re claim 24, Alexander et al disclose wherein the user- selectable options include an option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters the-to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

Re claim 25, is met as previously discussed with respect to claim 21.

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Re claim 26, Alexander et al disclose wherein the new content is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future; a live television multimedia program; a on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program; and a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 28, Alexander et al disclose wherein the user- selectable options include an option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters the-to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

As claim 29, the claimed “ the monitoring user interactions with the EPG UI, including presses of the scroll forward key indicative of the user's desire to see future scheduled programming in the EPG UI including: when the number of presses of the scroll forward key advances a presentation of the schedule of multimedia programming in the grid of the EPG UI less than a predefined amount of time into the future...; when the number of presses of the scroll forward key advances the presentation of the schedule of multimedia programming in the grid of the EPG UI the predefined amount of time into the future, identifying a triggering user interaction” is composed as the same structural elements as previously discussed with respect to the rejection of claim 1.

Re claim 30, is met as previously discussed with respect to the rejection of claim 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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/Jean Duclos Saintcyr /

/Brian T Pendleton/

Supervisory Patent Examiner, Art Unit 2425